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 U.S. SMOKELESS TOBACCO COMPANY

Clerk of the Superior Court

MAY 24 2006

SANDOVAL, L.

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

PEOPLE OF THE STATE OF CALIFORNIA, ex rel.  
 BILL LOCKYER, Attorney General of the State of  
 California,

Plaintiff,

v.

U.S. SMOKELESS TOBACCO COMPANY, a  
 Delaware corporation

Defendant.

U.S. SMOKELESS TOBACCO COMPANY, a  
 Delaware Corporation,

Cross-Complainant,

v.

PEOPLE OF THE STATE OF CALIFORNIA, ex rel.  
 BILL LOCKYER, Attorney General of the State of  
 California; BILL LOCKYER in his official capacity as  
 the Attorney General of the State of California; and the  
 NATIONAL ASSOCIATION OF ATTORNEYS  
 GENERAL,

Cross-Defendants.

Case No: JCCP 4041  
 Tobacco Cases

ORDER ESTABLISHING  
 BRIEFING AND HEARING  
 SCHEDULE RE: DEMURRERS  
 TO CORRECTED SECOND  
AMENDED CROSS-COMPLAINT

DATE: May 22, 2006  
 TIME: 1:30 P.M.  
 DEPT: 71  
 JUDGE: Hon. Ronald S. Prager

1 On May 22, 2006, the Court held a telephonic conference with the parties to  
2 establish a briefing and hearing schedule on the demurrer to be filed by Plaintiff and Cross-  
3 Defendant People of the State of California, Cross-Defendant Bill Lockyer in his official capacity  
4 as the Attorney General of the State of California (the "People"), and Cross-Defendant National  
5 Association of Attorneys General ("NAAG") to Defendant U.S. Smokeless Tobacco Company's  
6 ("USSTC") Corrected Second Amended Cross-Complaint. The Court hereby establishes the  
7 following schedule:

8 1. By May 24, 2006, USSTC shall file and serve its Corrected Second  
9 Amended Cross-Complaint.

10 2. By May 31, 2006, the People and NAAG shall file and serve their  
11 Demurrers and Points and Authorities in support thereof to USSTC's Corrected Second Amended  
12 Cross-Complaint.

13 3. By July 14, 2006, USSTC shall file and serve its Opposition to the  
14 Demurrers filed by the People and NAAG.

15 4. By August 18, 2006, the People and NAAG shall file and serve their  
16 Replies, if any, to USSTC's Opposition.

17 5. By August 22, 2006, the Attorney General's office shall lodge with the  
18 Court a binder containing all documents referenced in the memoranda filed by the parties as set  
19 forth above. The pertinent portions of all such documents shall be highlighted with a colored  
20 marker.

21 6. The hearing on the demurrers shall be held on September 7, 2006, in  
22 Department 71 at 10:00 A.M. The Court will endeavor to issue its tentative ruling on the  
23 demurrers by September 1, 2006.

24 IT IS SO ORDERED this 24 day of May, 2006.

25  
26 DATED: MAY 24 2006

  
Hon. Ronald S. Prager

## 1 APPROVED AS TO FORM:

2 Michelle Hickerson, Esq.  
3 Deputy Attorney General  
4 State of California Dept. of Justice  
110 West A Street  
San Diego, California 92186-5266

5 Amy Hertz, Esq.  
6 Deputy Attorney General  
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**PROOF OF SERVICE**

MAY 24 2006

**STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

By: E PETERSON, Deputy

I am employed in the County of San Francisco, State of California. I am over the age of 18 and am not a party to the within action; my business address is Four Embarcadero Center, Suite 3800, San Francisco, California 94111.

On May 23, 2006, I served the foregoing document described as:

**[PROPOSED] ORDER ESTABLISHING BRIEFING AND HEARING SCHEDULE RE:  
DEMURRERS TO CORRECTED SECOND AMENDED CROSS-COMPLAINT**

on all interested parties in said action by placing a true copy thereof enclosed in a sealed envelope for delivery as follows:

☐ **(BY MAIL IN THE ORDINARY COURSE OF BUSINESS)**

I am readily familiar with the firm's practice for the collection and processing of correspondence for mailing with United States Postal Service and the fact that the correspondence would be deposited with the United States Postal Service the same day in the ordinary course of business. On this date, the above-referenced correspondence was placed for deposit at San Francisco, California and placed for collection and mailing following ordinary business practices.

☒

**(BY OVERNIGHT MAIL)**

I delivered such envelope to an overnight carrier with delivery fees paid for overnight mail, priority delivery service, addressed as follows:

Michelle Hickerson, Esq.  
Deputy Attorney General  
State of California Dept. of Justice  
110 West A Street  
San Diego, California 92186-5266

Amy Hertz, Esq.  
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Irvine, CA 92614

☐ **(BY PERSONAL SERVICE)** ☐

By personally delivering copies to the person served.  
(State/Federal)

☐

I delivered such envelope by hand to offices of the addressee pursuant to CCP §1011. (State/Federal)

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed on May 23, 2006, at San Francisco, California.

  
Ruth Mehrwein